United Nations A/62/930

General Assembly

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**Sixty-second session**
Agenda items 43, 48, 52 (b), 53, 54, 56, 57, 58, 59 and 62

**Report of the Economic and Social Council**

**Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields**

**Macroeconomic policy questions: international financial system and development**

**Follow-up to and implementation of the outcome of the International Conference on Financing for Development**

**Sustainable development**

**Globalization and interdependence**

**Groups of countries in special situations**

**Eradication of poverty and other development issues**

**Operational activities for development**

**Social development**

## Letter dated 17 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to inform you that the fifth Extraordinary Summit of PetroCaribe — an integration mechanism for political, social and economic cooperation, based on the principles of solidarity, complementarity, and respect for the sovereignty and self-determination of peoples — was held on 13 July 2008 in the city of Maracaibo, state of Zulia, in the Bolivarian Republic of Venezuela. The Summit was attended by the PetroCaribe Heads of State and Government, who signed a Declaration (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda items 43, 48, 52 (b), 53, 54, 56, 57, 58, 59 and 62.

(*Signed*) Aura Mahuampi **Rodríguez de Ortiz**
Ambassador
Chargé d'affaires a.i.

08-46034 (E) 260808 260808

## Annex to the letter dated 17 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

**Declaration of the fifth Extraordinary Summit of PetroCaribe**

**Maracaibo, Venezuela**

We, the Heads of State and Government of the countries belonging to PetroCaribe, meeting in the city of Maracaibo, Venezuela, on 13 July 2008:

- Recognizing that PetroCaribe is a genuine and effective integration mechanism for political, social and economic cooperation, based on the principles of solidarity, complementarity, and respect for the sovereignty and self-determination of peoples;
- Highlighting that the incorporation of new members is a clear demonstration of our peoples' desire to support cooperation and integration mechanisms with a social vision, such as PetroCaribe;
- Reiterating that PetroCaribe contributes to regional energy security, through the design and implementation of joint infrastructure projects for the processing, transportation, storage and distribution of oil, gas, electricity, and renewable and alternative energy sources;
- Considering the negative consequences arising from the crisis in the international financial systems and the impact of speculative capital on the world energy market, which have contributed to the sudden increase in international energy prices, impacting the energy bill of the countries of our region;

Hereby decide:

1. To reiterate that PetroCaribe, in accordance with the principles of the Bolivarian Alternative for the Americas (ALBA), seeks a greater degree of independence and economic and social development for our peoples, through the consolidation of an efficient regional energy matrix.

2. To create the PetroCaribe Council of Agriculture Ministers and to instruct our agriculture ministers to meet for the first time on 30 July 2008 in Tegucigalpa, Honduras.

3. To create a fund with contributions equivalent to US$ 0.5 for each barrel exported outside the scope of cooperation agreements by the Bolivarian Republic of Venezuela and at a price higher than US$ 100. This fund will be used to finance agriculture- and food-related initiatives in member countries, with a view to helping them achieve food security.

4. To express our concern in relation to the excessive speculation and lack of regulation in futures contract markets, which is one of the main causes of the increase in oil prices. In this regard, we urge the authorities responsible for regulating the futures contract markets of the New York and London stock exchanges to take the necessary measures to eliminate the speculation factor from international oil prices.

5. To recognize that PetroCaribe is a mechanism that helps reduce the impact of high international energy prices on the peoples of the Caribbean, thereby promoting their socio-economic development.

6. To recognize the progress made in the establishment of joint ventures, which have helped optimize the supply of crude oil and petroleum products.

7. To declare that the ALBA Caribe Fund is an instrument that contributes favourably to the development of social projects and programmes and progress by our countries in the socio-economic arena, through the financing of a portion of the oil bill and direct trade among PetroCaribe member countries.

8. To stress the importance of creating energy efficiency measures and policies that contribute to the conservation and rational use of energy sources. In this regard, the experience gained by the Bolivarian Republic of Venezuela and the Republic of Cuba through the "Energy Revolution" programme is to be made available to PetroCaribe member countries.

9. To stress the potential that exists among PetroCaribe member countries in relation to the development and implementation of projects relating to renewable energy sources.

10. To highlight the results achieved by the technical working groups established pursuant to Resolution No. 03.02-04, approved by our Energy Ministers at the fourth PetroCaribe Summit, held in Cienfuegos, Cuba; as a result of this, work may now begin on identifying opportunities in such strategic areas as gas, petrochemicals and renewable energy sources and on training human resources, thereby strengthening the ties of cooperation and solidarity among member countries.

11. To welcome the resolutions approved at the fourth meeting of the PetroCaribe Council of Ministers.

12. To welcome the incorporation of the Republic of Guatemala as a PetroCaribe member country.

13. To agree to hold the sixth and seventh Summits of PetroCaribe Heads of State and/or Government in St. Kitts and Nevis and Belize, respectively.

14. To reiterate Latin American and Caribbean countries' condemnation of the European Directive on the return of illegal immigrants on the grounds that it violates fundamental human rights and the spirit of solidarity and brotherhood among peoples.

Maracaibo, Venezuela, 13 July 2008

United Nations A/62/931–S/2008/551

General Assembly
Security Council

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14 August 2008

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**General Assembly**
**Sixty-second session**
Agenda item 16
**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**Security Council**
**Sixty-third year**

## Identical letters dated 13 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I would like to inform you of the following developments regarding the military aggression launched by the Russian Federation against Georgia.

In the process of the withdrawal of the Russian units from Georgian military facilities, which they had been occupying for several days, Russian soldiers have stolen a significant number of Georgia army uniforms and other items of recognition belonging to the Georgian armed forces. Considering the unlawful behaviour of the Russian servicemen and paramilitary units, there is a high probability that the above-mentioned uniforms might be used by the Russian side for provocations in the occupied territories.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-46153 (E) 150808

United Nations A/62/932–S/2008/552

General Assembly
Security Council

Distr.: General
15 August 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda item 22
**Question of Cyprus**

**Security Council**
**Sixty-third year**

## Letter dated 13 August 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 12 August 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

08-46264 (E) 190808

## Annex to the letter dated 13 August 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 1 August 2008, addressed to you and the President of the Security Council by the Greek Cypriot Chargé d'affaires a.i., circulated as a document of the General Assembly and of the Security Council (A/62/920-S/2008/524), which yet again contains well-known allegations of violations of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following.

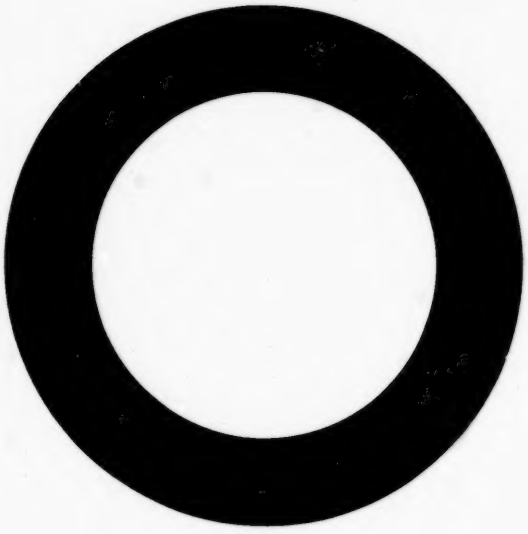
As stated in our previous communications addressed to you, the habitually repeated allegations by the Greek Cypriot side of so-called "airspace violations" are totally unfounded and are rejected in toto by our authorities. The present allegations also do not merit a detailed reply as they are of a similar nature. However, I wish to emphasize, once again, that flights within the sovereign airspace and flight information region of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State. The Greek Cypriot administration in South Cyprus has no jurisdiction or right of say over flights within the national airspace of the Turkish Republic of Northern Cyprus. Furthermore, it should be emphasized that allegations of so-called violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. I also deem it imperative to point out, once again, that the attitude demonstrated by the Greek Cypriot representatives in their constant repetition of false claims is nothing more than rhetoric, which unfortunately wastes the precious time and energy of the international community.

Lastly, I would like to take this opportunity to underline once again that the Turkish Cypriot side is prepared to engage in a new process of negotiations for reaching a lasting settlement in Cyprus on the basis of a new partnership, political equality of the two peoples, bizonality and the equal status of the two constituent States.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus



United Nations A/62/933

General Assembly

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**Sixty-second session**
Agenda item 70
**Promotion and protection of human rights**

## Letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

Referring to the note verbale dated 11 April 2008 regarding preparation of the report to the General Assembly at its sixty-third session on the implementation of Assembly resolution 61/144 on trafficking in women and girls, I have the honour to transmit herewith information on measures taken in Uzbekistan since December 2006 to combat trafficking in women (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 70.

(*Signed*) Gulzara **Tuyunbayeva**
Chargé d'affaires

08-46294 (E) 200808

## Annex to the letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

## Information on measures taken to combat trafficking in women in Uzbekistan since December 2006

### 1. International instruments, legislation and the justice system

1.1. The Constitution of the Republic of Uzbekistan guarantees equality between men and women for the enjoyment of fundamental human rights and freedoms, including the right to security of person, liberty and freedom of movement.

1.2. Uzbekistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1995. The Republic has gradually acceded to all of the major international treaties on women's rights, including the Convention on the Political Rights of Women, the Convention concerning Maternity Protection (Convention No. 103), the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100).

1.3. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, was signed by the Republic of Uzbekistan on 28 June 2001. The ratification of this Protocol is under consideration in accordance with paragraph 5.3, part III, of Annex No. 5 to Presidential Decree No. 24 of 10 March 2005 on the programme to implement goals and targets for democratization and renewal and for reform and modernization of the country.

1.4. The feasibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been referred to the Ministry of Labour and Social Protection for its consideration.

1.5. The Criminal Code of the Republic of Uzbekistan criminalizes acts in any way connected with trafficking in persons:

> Article 117. Failure to assist persons in danger shall be punishable by deprivation of liberty for up to five years.
>
> Article 131. The operation of brothels or procurement shall be punishable by deprivation of liberty for up to five years. (Engaging in prostitution is an administrative offence and is punishable by a fine.)
>
> Article 133. The removal of organs or tissue from a deceased person shall be punishable by deprivation of liberty for up to five years.
>
> Article 135. The deceitful recruitment of persons for sexual or other exploitation shall be punishable by deprivation of liberty for up to eight years.
>
> Article 137. Abduction of a person shall be punishable by deprivation of liberty for up to 15 years.

Article 138. Unlawful deprivation of liberty by force shall be punishable by deprivation of liberty for up to five years.

Article 223. Illegal departure from or entry into the Republic of Uzbekistan shall be punishable by deprivation of liberty for up to 10 years.

1.6. The Act of the Republic of Uzbekistan on the prevention of trafficking in persons was adopted on 17 April 2008 and has entered into force.

1.7. The Republic of Uzbekistan's migration legislation is in its formative stages and at present migration processes are mainly regulated by secondary legislation of the Government.

## 2. National action plans, strategies and national coordination mechanisms

2.1. In December 2007, the National Plan of Action for fulfilling the recommendations of the Committee on the Elimination of Discrimination against Women was adopted following consideration of the periodic reports of the Republic of Uzbekistan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The National Plan of Action contains the following provisions to prevent trafficking in persons:

"8.1. To consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which it signed in 2001.

8.2. To prepare information on legislation to combat all forms of trafficking in persons, including women and girls, on penalties for the perpetrators of such acts and on the provision of assistance to victims.

8.3. To establish rehabilitation and social integration centres for victims of exploitation and trafficking in persons.

8.4. To hold conferences on the prevention of trafficking in persons, including women.

8.5. To improve measures for the provision of support and material assistance to economically vulnerable families.

8.6. To provide sponsorship for weddings and to improve the living conditions of young families from disadvantaged groups.

8.7. To raise public awareness about the spiritual and moral education of the younger generation and the improvement of the moral climate in families.

9.1. To carry out sociological research on the situation of women in the informal labour market.

9.2. To prepare information on the observance of gender equality in the formal labour market.

10.1. To monitor the situation of rural women and to develop proposals to improve legal mechanisms for the protection of their rights.

10.2. To prepare analytical information, including statistical data, on women who own land, and on efforts by the Republic of Uzbekistan to increase this percentage."

2.2. Trafficking in women is seen as a problem in terms of:

- Organized crime (see paragraphs 1.5 and 1.6)
- Migration (see paragraphs 1.7 and 4)
- Labour (see paragraphs 4 and 7)
- Morality (see paragraph 6)

## 3. Bilateral, regional and international agreements and cooperation

3.1. See paragraphs 1.2-1.4.

3.2. Uzbekistan also cooperates with the international community on human trafficking issues on the basis of other international, bilateral and multilateral treaties on judicial assistance and extradition, and on the basis of the national legislation of Uzbekistan.

3.3. The Government and the United Nations Development Programme (UNDP) are carrying out a joint project on the labour migration of women. The project aims to help raise the awareness of the general public and the State authorities about how to effectively address the challenges posed by female labour migration.

## 4. Prevention measures

4.1. Acts involving trafficking in persons are subject to criminal prosecution (see paragraphs 1.5 and 1.6). The investigative units of the internal affairs agencies conduct inquiries and carry out investigations into the operation of brothels and procurement, the recruitment of persons for exploitation and related matters.

4.2. Trafficking in persons cannot be prevented without effective measures which ensure the right to work. The Labour Code protects the right of women to work. Moreover, it establishes more favourable treatment for women (positive discrimination) with regard to job recruitment and dismissal, pregnancy and breastfeeding. The knowingly unlawful refusal to hire a woman or the dismissal of a woman on the grounds of pregnancy or childcare imposes criminal liability upon officials who have the right to hire labour (see article 148 of the Criminal Code) (see also paragraph 7).

4.3. A whole range of both external and internal migration problems needs to be addressed in order to integrate the Republic of Uzbekistan into the world community, to develop its market economy and to increase the socio-economic activities of its population. Migration legislation is in its formative stages (see paragraph 1.7). However, mass population displacements, unless properly regulated, can pose a serious threat to human rights and national security, including by creating fertile ground for trafficking in persons.

4.4. The Agency on questions of external labour migration places Uzbek citizens in jobs abroad on the basis of intergovernmental and interdepartmental agreements, which are concluded between State authorities (governments, sectoral ministries, departments, etc.), including through cooperation programmes, knowledge exchange, further education and training.

4.4. The Business Women's Association of Uzbekistan, Tadbirkor ayol, is running a series of training courses, including "How to launch one's own business", "How to

devise a business plan", "The fundamentals of marketing", "Woman and society", "Small and medium-sized business" and "Women and their rights", aimed at developing female entrepreneurship. In 2006, over 7,500 women enrolled in the courses, as a result of which over 1,000 women launched their own business. More than 400 women received training aimed at developing local handicrafts and cottage industries.

**5. Services for victims**

5.1. There is no specialized service as such to deal with the victims of trafficking separately. Victims usually receive general rehabilitation treatment.

5.2. Victims of trafficking in persons may report the commission of an offence to the internal affairs agencies for the area where the offence was committed. The rights of the complainant are regulated by the Republic of Uzbekistan Act on citizens' recourse, which also establishes the complaints procedure. The right of access to the courts for protection is provided for by the Constitution of the Republic of Uzbekistan and by the Courts Act. The issue of possible compensation for the harm caused to victims of trafficking in persons is addressed in the course of court proceedings through the filing of civil claims for damages.

**6. Awareness-raising and capacity-building**

6.1. In recent times, State television and radio have often dealt with the issue of trafficking, warning citizens about the dangers associated with departure, stay and employment abroad. Cases of former trafficking victims are used to clearly demonstrate the possible consequences.

6.2. The internal affairs agencies regularly carry out special integrated preventive measures, referred to by the name "Oriyat". Large-scale preventive outreach work is being organized and activities are being carried out to increase the public's legal knowledge about the penalties for these types of offences.

6.3. Women's non-governmental agencies (NGOs) are working to provide legal education and to prevent trafficking in persons.

**7. The role of the business sector and media providers**

7.1. In 2007, around 46 per cent of women were employed in various sectors of the economy. Around 4 million women are employed in the Republic of Uzbekistan; their employment rate is 15.8 per cent lower than that for men. The number of women entrepreneurs obtaining credit rose from 2 per cent in 1991 to 25 per cent in 2007. Every year in Uzbekistan, around 400,000 new jobs become available, with over 40 per cent being assigned to women.

7.2. See paragraph 6.1 concerning the role of media providers.

**8. Data collection and research**

8.1. Data on trafficking in persons is collected by the Republic's law enforcement agencies, particularly the internal affairs agencies. NGOs, particularly women's NGOs, are often actively engaged in carrying out various studies on this topic.

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General Assembly

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**Sixty-second session**
Agenda item 70
**Promotion and protection of human rights**

## Letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

Referring to the note verbale dated 11 April 2008 regarding preparation of the report to the General Assembly at its sixty-third session on the implementation of Assembly resolution 61/143 on the intensification of efforts to eliminate all forms of violence against women, I have the honour to convey the information on the measures to combat violence against women taken by Uzbekistan after December 2006 (see annex).

I would also appreciate it if you could circulate the present letter and its annex as a document of the sixty-second session of the General Assembly, under its agenda item 70.

(*Signed*) Gulzara **Tuyunbayeva**
Chargé d'affaires a.i.

08-46300 (E) 250808 250808

## Annex to the letter dated 29 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

## Measures taken to eliminate violence against women in Uzbekistan since December 2006

### 1. General aspects and the gender equality framework

1.1. Since becoming an independent State, the Republic of Uzbekistan has demonstrated its commitment to the principles of gender equality. The Uzbek Constitution sets out basic provisions for equal rights for men and women, defines principles of maternal and child welfare and, most importantly, prohibits discrimination against individuals based on sex, age, national status, social status or religious affiliation. There is no gender imbalance in the constitutional provisions: everyone in Uzbekistan has equal political, civil, socio-economic and cultural rights.

1.2. The systematic legal and institutional development of the national mechanism to improve the status of women began in 1995, when Uzbekistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women. Accession to that Convention, to the Convention on the Political Rights of Women and to the Convention concerning Maternity Protection, and the signing of the Beijing Platform for Action adopted at the Fourth World Conference on Women provided the necessary international legal framework for specific national measures to apply international standards to the legislation and activities of Government agencies.

1.3. The provisions of the Convention on the Elimination of All Forms of Discrimination against Women have been incorporated into the Uzbek Constitution and into election, family, labour, criminal, administrative and other legislation. A framework law on equal rights and opportunities for men and women is being prepared. In December 2007, Uzbekistan adopted a National Plan of Action for implementation of the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women after consideration of the Republic of Uzbekistan's periodic reports on implementation of the Convention. This is a substantial boost to the efforts to address existing problems in the implementation of women's rights and freedoms in all areas of life.

1.4. The efforts to secure the political rights of women, in addition to legislative strengthening of the principle of sex equality, have included a temporary special measure in the form of a 30-per-cent quota for women in the nomination of candidates for deputies' posts in the parliamentary elections.

1.5. The legislation of the Republic of Uzbekistan, in addition to civil and political guarantees of equality, provides for equal social and economic rights for men and women and also includes a whole series of additional rights and guarantees for women on account of their physiological features and their role as mothers. It also extends a significant number of the guarantees and benefits provided for women to fathers and other relatives caring for children in the absence of the mother. In cases specified by the legislation, family members have the opportunity to decide independently the question of which entitlement (such as the right to parental leave)

will be granted to which family member (the child's mother or father, grandfather, grandmother or other relative). In the interests of the mother and child, additional rights and guarantees are granted to the child's father (such as an entitlement to request leave while the mother is on pregnancy and birth leave).

1.6. The President of the Republic of Uzbekistan has adopted two special decrees: one to enhance the role of women in the development of the State and public life (2 March 1995) and another on additional measures to support the activities of the Women's Committee of Uzbekistan (24 May 2004). The Cabinet of Ministers of Uzbekistan has also adopted the corresponding rulings for implementation of the above-mentioned decrees. The Cabinet of Ministers has a Standing Committee that coordinates the programme of measures to implement Presidential decree No. 3434. Working groups of the Standing Committee make regular field visits to provide practical assistance for the activities of the *khokimiyat* (administrative agencies in the provinces and districts) to support local women's committees in implementing the decree.

1.7. Although the Women's Committee of Uzbekistan has the legal status of a social organization, it operates as the main mechanism for implementing government policy to tackle the problems of the country's women. The Chairperson of the Women's Committee is also a Deputy Prime Minister. In order to ensure women's participation in decision-making throughout the country, the chairpersons of the provincial, city and district women's committees are also appointed as deputy *khokims* and are responsible for promoting women's interests and for developing women's capacities at the local level. At the national level, women account for between 15 per cent and 20 per cent of all officials in the legislative, executive and judicial branches. At the local level, there are over 7,500 women consultants in local government agencies. A total of 76 women's non-governmental organizations are registered.

1.8. Although some success has been achieved, society still maintains some patriarchal attitudes, whereby men have power and women are subordinate to that power. The State does not support this old pattern of stereotypes, but is not yet able to eradicate it.

The equality of rights and opportunities for men and women does not only depend on the creation of the necessary legal conditions. It is also linked to cultural norms, customs, social traditions and religious views. Uzbekistan applies a legal policy of non-discrimination which is designed to eliminate the causes of inequality, but only a social environment that includes a gender perspective is capable of ensuring that the constitutional principle of sex equality is systematically observed. This is a challenging task and cannot be resolved by government action alone. It must be built into a process of reform throughout society.

## 2. Activities and resources to address violence against women

2.1. Legislation. The State protects all persons from violence without distinction of sex and does this by means of, inter alia, legislative acts such as the Criminal Code and the Administrative Liability Code. The criminalization of violence in general is a recurrent theme in the criminal and administrative legislation of Uzbekistan. The Criminal Code establishes criminal penalties for various forms of violence such as murder (article 97), inducement to suicide (article 103), infliction of serious or moderate bodily harm (articles 104-105), torture (article 110), criminal abortion and

forcing a woman to have an abortion (articles 114-115), rape and other forms of sexual violence (articles 118-129).

Article 122 of the Criminal Code of Uzbekistan concerning the non-payment of maintenance for minors or disabled persons was supplemented by a second part defining a similar offence when committed by serious repeat offenders.

The first part of article 127 concerning inciting a minor to commit anti-social acts was amended to include a fine of from 100 to 200 times the minimum monthly wage in the section on penalties.

Amendments to the Administrative Liability Code of Uzbekistan included the addition of two articles: one concerning not notifying the custody and guardianship agencies of children deprived of parental care (article 47.1), and another concerning violation of the requirements of laws relating to the referral of children deprived of parental care (article 47.2). The fine for the offence of inciting a minor to commit anti-social acts as defined in article 188 was also increased.

This Code was amended to include article 188.1 on inciting a minor to commit an administrative offence.

Articles 47.1, 47.2 and 188.1 of the Code define administrative penalties for the above offences, which are subject to the jurisdiction of administrative judges. It is also stipulated that cases involving administrative offences that were formerly considered under article 88 by the administrative commissions (article 246), commissions on cases involving minors (article 247) and internal affairs agencies (article 248) are to be referred for consideration by the administrative judges.

Amendments to article 13 of the Local Authorities Act provide for entrusting chairpersons of citizens' meetings with the social task of protecting the rights of minors, providing information to the custody and guardianship agencies concerning children deprived of parental care and providing assistance in referring such children to the appropriate governmental institutions.

Significant amendments have been made to article 149 of the Family Code of Uzbekistan. Officials of administrative institutions (preschools, secondary schools, health-care institutions etc.) and local government agencies and other citizens who are aware of the loss of parental care are obliged to inform the custody and guardianship agencies of the place of current residence of the children within seven days.

However, the existing criminal, criminal-procedural and administrative legislation on the whole does not make distinctions between the sexes and does not include a definition of or penalty for domestic violence, nor are there any legislative provisions that establish liability for denigration of the honour or dignity of women or children in the family. A law guaranteeing the rights of children was adopted.

2.2 Enforcement measures. According to statistical data from the Public Prosecutor's Office and the Ministry of Internal Affairs, at present the majority of crimes of murder, infliction of bodily harm to varying degrees, assault and denigration, forced early marriage and sexual crimes take place at home, within the family. In these crimes, the victims of violence are generally the weaker members of the family, namely women and children.

The law enforcement agencies — the police, the Public Prosecutor and the court system — are obliged to act immediately in all cases of violence and the country has an effective system of legal protection against violence.

2.3. Unfortunately, the majority of these crimes are covert and concealed, as the victims do not inform the law enforcement agencies of acts of violence that have been or are being committed against them because of fear of their husband (or father) or the pressure of family obligations, traditions, religious views or financial or other form of dependence. For this reason, the work of law enforcement agencies and local government agencies always includes a community outreach component.

2.4. International cooperation. In December 2007, Uzbekistan adopted the National Plan of Action for implementation of the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women on the most recent national reports of Uzbekistan. With a view to contributing to implementation of the Committee's concluding observations, a joint project is being implemented by the Government and the United Nations Development Programme (UNDP) for legal and institutional capacity-building for women.

In accordance with the National Plan of Action, governmental and non-governmental organizations are to implement the following measures in 2007-2008 to eliminate violence against women:

(a) Drafting of proposals as to the advisability of adopting a framework law on all forms of violence against women, including violence in the family and rape within marriage;

(b) Compilation and inclusion of data on crime victims, including women and children, in the official statistical reports of law enforcement agencies;

(c) Introduction of mandatory special medical examinations and regular preventive examinations for adolescent girls in orphanages;

(d) Organization of centres to provide legal counselling services for women in difficult family situations;

(e) Preparation of a detailed report on services for victims of violence, including services provided at crisis centres and social rehabilitation centres, including details of women's access to such services and their scope and effectiveness.

## 3. Measures to end impunity and protect women against violence

3.1. See sections 1.2. and 2.2.

3.2. The Civil Code of the Republic of Uzbekistan contains provisions for compensation for damage to physical or mental health (articles 1005, 1006, 1014, 1021 and 1022).

## 4. Measures to prevent violence against women

4.1. See sections 2.1. to 2.4.

4.2. Efforts are being made to secure the social rights and freedoms of women. The report of the Women's Committee of Uzbekistan on implementation of the Convention on the Elimination of All Forms of Discrimination against Women was

presented to the Senate of the Oliy Majlis. In February 2008, the Senate of the Oliy Majlis of Uzbekistan and the Committee for Foreign Affairs held a round-table discussion on the topic of "women, government and society". The participants included representatives of State and social organizations, members of the diplomatic corps and representatives of law enforcement agencies. In 2007, the Ministry of Justice Collegium devoted one of its sessions to implementation of Presidential Decree No. 3434 and to issues relating to the protection of family and labour rights, while a joint research and practice conference was held on the topic of "women, family and society". At a joint meeting of the Committee and the Supreme Court, consideration was given to family and matrimonial conflicts and measures to end violations of the rights of women and children.

At meetings of the political party groupings Adolat and the Popular Democratic party of Uzbekistan, together with members of the other three parties in the Legislative Chamber of the Oliy Majlis, there was a broad discussion of issues relating to improving the status of women and enhancing their role in society in Uzbekistan. The corresponding recommendations were adopted.

The following actions were carried out as part of a joint Government and UNDP project on legal and institutional capacity-building for women:

(a) A working group of legal experts was set up to analyse the status of current legislation and to prepare recommendations to amend, supplement or adopt new legal regulations or legislative acts to enhance legal protection for the rights of women in Uzbekistan;

(b) An analytical summary has been prepared on improving the procedural and institutional basis for implementing women's rights in Uzbekistan, based on the results of a gender analysis of current legislation;

(c) A guide to gender analysis of the current legislation has been prepared for deputies.

## 5. Services for victims of violence against women

5.1. An important role is played by the women's social rehabilitation centres that were set up through an initiative of the Women's Committee of Uzbekistan and operate throughout the Republic. The operational experience of these centres, which operate in every district of the Bukhara province, has been applied at the national level. At present there are 64 such centres operating in the country (including 40 in Bukhara and 11 in Navoiy). The necessary conditions have been established in Namangan, Fergana, Andizhan, Kashkadar'inskaya and Surkhandar'inskaya for the operation of provincial centres offering social and legal support for women. They have office equipment, hardware and software, and rooms where women receive instruction in baking, computer literacy and sewing. Counselling is available from psychologists, lawyers and doctors. The United Nations Population Fund provides technical support, that is, it has purchased office and other equipment. Technical assistance will be provided to centres in the Samarkand and Dzhizak provinces and in the Republic of Karakalpakstan. In 2007 these centres have provided assistance to 1,285 women on legal questions, to 149 women on social issues and 185 on health matters. A total of 356 courses and 20 seminars have been held.

One example of successful provision of services to victims of violence is the activity of the "Oydin Nur" Centre for Social Defence of the Family (Bukhara

province) (formerly the "Oydin Nur" Women's Crisis Centre) established in 1999. The Centre offers the following types of services:

- A telephone help line;
- Psychological support;
- Legal advice;
- Services of a public defender for women;
- Temporary accommodation;
- Assistance with finding employment.

From January 2001 to April 2008, 9,500 calls and individual visits were made as a result of the help line. On 1 September 2004 the Centre began to organize free legal advisory services, and by December 2007, 450 clients had received advice. Some of these clients received seven or eight advisory sessions over the course of five or six months of court proceedings. For 35 clients, the Centre provided the services of a public defender to safeguard women's interests in legal proceedings.

On 14 November 2007, a temporary shelter began to operate at the Centre. From January 2007 to April 2008, 13 women and 12 of their children found refuge at the shelter.

**6. Awareness-raising on violence against women**

The joint Government-UNDP project "legislative and institutional capacity development for women's empowerment" has carried out the following activities in this area:

(a) Translation of the text of the concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women into the Uzbek language and its dissemination in educational campaigns for law enforcement officials (lawyers and prosecutors), teachers, journalists and staff of higher educational establishments and non-governmental organizations;

(b) Provision of courses for trainers in skills for teaching and disseminating information on the Convention on the Elimination of All Forms of Discrimination against Women on the subject of legal awareness in relation to gender issues and the Convention. The graduates of the courses for trainers have provided training for various target groups (law enforcement officers, *makhallyas* and *khokimiyat*, doctors and social workers, journalists and university and schoolteachers;

(c) An international seminar on international and national experience in improving family protection mechanisms (in cooperation with the Embassy of France);

(d) Seminars for staff of the Public Prosecutor's Office and for lawyers on implementation of the Convention on the Elimination of All Forms of Discrimination against Women to resolve family conflicts in law enforcement practice: Mechanisms for resolving family conflicts, experience of Russia and Uzbekistan (joint activity with the Embassy of Switzerland);

(e) Publication of a collection of scientific articles as an introduction to the theory and practice of gender relations and its distribution to state libraries and the libraries of higher educational establishments;

(f) Provision of training for graduate students, doctoral students and sociologists on methods for conducting scientific research and for writing reports on women's rights;

(g) Holding of a competition for journalists of the Republic for the best coverage of women's rights issues in the media;

(h) Provision of training for doctors (obstetrician-gynaecologists and family doctors) in recognition, prevention and assistance for victims of domestic violence;

(i) Provision of training to increase legal literacy concerning women's rights issues and implementation of the National Plan of Action for *khokimayat* and *makhallya* employees;

(j) Provision of courses for the preparation and writing of the regular periodic report for the Committee on the Elimination of All Forms of Discrimination against Women, which will be submitted by Uzbekistan in August 2008.

6.2. A manual is being prepared for the students of the Muradov Academy of the Ministry of Internal Affairs on the prevention of domestic violence in the family. A graduate student of the Academy is conducting research on the theory and practice of prevention of criminal violence in the family. In that context, there are plans to study the status of gender equality and the prevention of domestic violence in relation to women and girls. Regular awareness-raising and outreach activities take place for the staff, students and trainees of the Academy on the role of women in the family and in practical activity.

6.3. In order to provide assistance to victims of domestic violence as indicated in section 5.1., the Centre in Bukhara works in partnership with the Women's Committee, the reconciliation commissions of the *makhallya* committees, prevention officers in police departments, judges and staff of the Public Prosecutor's Office to organize training seminars, round tables and conferences. The Centre's seminars have provided training for a total of 1,668 people from the above-mentioned organizations in issues of women's rights and domestic violence. In addition, the Centre organizes meetings, round tables and question-and-answer evenings for the inhabitants of the city of Bukhara and the surrounding area. Over 1,000 inhabitants of the Bukhara province have taken part in such meetings.

The Centre is an active advocate for non-violent family relationships. The Centre has produced six (single sheet) brochures on the following topics: laws protecting women; no woman deserves violence; and family conflicts and how to resolve them. It has also produced two documentary films: "Disputes, divisions, divorces" (22 minutes) (about the violence inflicted on women during the process of divorce) and "My mother makes all the decisions in this house" (18 minutes) (about the violence inflicted on a daughter-in-law by her mother-in-law). Members of the Centre's staff have published 41 articles on women's problems in the Bukhara provincial newspaper and have appeared in eight television programmes.

## 7. Data collection on violence against women

7.1. Data is collected by Uzbek law enforcement agencies, mainly by the internal affairs bodies.

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**General Assembly**
**Sixty-second session**
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**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**Security Council**
**Sixty-third year**

## Identical letters dated 15 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the text of an appeal of the Parliament of Georgia to the international community (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-46450 (E) 190808

## Annex to the identical letters dated 15 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

The whole world, with deep concern, is closely watching how Russia is carrying out a full-scale occupation of Georgia. Encroachment of the sovereignty of an independent State and its military occupation represents a direct challenge to the security of Europe and the whole democratic community.

Land-based operations and bombardments are being carried out on the whole territory of Georgia. Russian armed forces barbarically bombed not only military and industrial facilities, but also peaceful population in different Georgian cities and villages, including the capital of Georgia, Tbilisi, as well as the cities Kutaisi, Gori, Kaspi, Kareli, Marneuli, Bolnisi, Zugdidi, Poti, Oni, Khelvachauri, Khashuri, Senaki and Dedoplistskaro. In addition, hospitals were bombed resulting in killing of wounded people and medical personnel there.

The Russian aviation and artillery have also ruined Tskinvali and nearby villages, as a result of which many Georgian and Ossetian peaceful people have been killed.

In the course of several days the Russian artillery and aviation have been bombing upper Abkhazia, and in the aftermath the Russian airborne forces launched an air, sea and land-based attack. Russian armed forces along with illegal formations of separatists occupied upper Abkhazia in violation of the United Nations Security Council's resolutions and other international agreements.

Currently, a substantial part of the territory of Georgia is occupied by Russian military units. The occupants seized the central highway connecting eastern and western Georgia, disrupted economic links between different regions, blockaded the port of Poti and the capital of Georgia, which may result in a humanitarian catastrophe.

Open terror and marauding are being carried out in the occupied territories and the peaceful Georgian population is being subjected to ethnic cleansing. The upper Abkhazia and Tskinvali regions have been emptied of population. Part of the population is under arrest and is subjected to cruel and inhumane treatment.

The international community must stand up to the aggression, brutality and full-scale ethnic cleansing perpetrated by the Russian Federation.

This aggression against Georgia constitutes a threat not only for Georgia but for the whole world.

The Russian Federation's aggression against a neighbouring State has demonstrated once again that Russia is not and cannot be a mediator or peacekeeper in the conflict regions of Georgia, because the so-called peacekeeping forces of Russia have turned into occupation forces. They must be replaced immediately by international peace contingents.

The Georgian authorities and Georgian people will not reconcile themselves with the presence, in any possible form, of occupation forces of an aggressor State on the territory of Georgia.

The Parliament of Georgia declares those territories occupied by Russian armed forces as occupied territories and calls upon the international community to do its utmost to make sure that military units of the aggressor State immediately leave the territory of Georgia, including the Tskinvali region and Abkhazia.

The Parliament of Georgia calls upon interparliamentary organizations and the parliamentary assemblies of international organizations to terminate the mandate of the parliamentary delegations of Russia, as representatives of an aggressor State.

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**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**Security Council**
**Sixty-third year**

## Identical letters dated 16 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the attached statements of the Press and Information Department of the Ministry of Foreign Affairs of Georgia regarding the facts of the ethnic cleansing of Georgia, the shift of the administrative border of the Autonomous Republic of Abkhazia, inaccurate information on a Georgian armed forces attack on Russian "peacekeepers" and the information on the explosion of the railway bridge in Kaspi by Russia's occupation army (see annex, enclosures 1-4).

I should be grateful if the present letter and its annex could be circulated as a document of the sixty-second session of the General Assembly, under agenda item 16, "Protracted conflicts in the GUAM area and their implications for international peace, security and development", and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-46613 (E) 210808

## Annex to the identical letters dated 16 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

## Enclosure 1

## Statement of the Ministry of Foreign Affairs of Georgia

**New wave of ethnic cleansing of Georgians**

According to the statement of 16 August 2008 of the Ministry of Emergency Situations of the Russian Federation, subdivisions of the Ministry have started withdrawal of the ethnic Georgian population from the Tskhinvali region in the direction of Gori.

We are faced with a new wave of ethnic cleansing of Georgians conducted under a military-occupation regime by the Russian Federation, this time through the involvement of Russian State structures.

We would like to focus the international community's attention on the fact that the Russian Authorities have recently been making an increasing number of statements about the necessity of taking into consideration the will of the region's population. The ethnic cleansing of Georgians seems to be a method by which Moscow expects to attain awaited results.

Tbilisi, 16 August 2008

## Enclosure 2

## Statement of the Ministry of Foreign Affairs of Georgia

**Administrative border of the Autonomous Republic of Abkhazia is shifted**

On 16 August 2008 at approximately 4 p.m. local time, armed gangs of the Abkhazian separatist regime together with units of the Russian regular army shifted the administrative border of the Autonomous Republic of Abkhazia towards the Enguri River. This caused the villages of the Zugdidi region, Ganmukhuri and Khurcha, to fall under the occupation of the Russian army and armed gangs of the Abkhazian separatist regime. In those villages the Abkhazian separatist government set up a temporary administration.

According to the reliable information, the criminal situation has rapidly deteriorated in the Georgian villages bordering the Enguri River. There are cases of physical abuse and looting. Abkhazian armed gangs together with Russian soldiers are robbing the local population and smuggling the stolen goods to the other side of the Enguri River.

Furthermore, the Russian Federation still continues the bombing of Georgian territories using the incendiary weapon prohibited by the International Convention. Today, at approximately 7 p.m. local time, Russian military helicopters bombed timber lands in the vicinity of the town Surami igniting new fires.

Due to the extremely difficult situation caused by the direct and unconcealed occupation of Georgia by the Russian Federation, the Ministry of Foreign Affairs of Georgia calls upon the friendly countries and the international community to provide urgent assistance in extinguishing the fires across Georgia and again condemns, in the strongest terms, Russian aggression against the sovereign State of Georgia.

Tbilisi, 16 August 2008

## Enclosure 3

## Statement of the Ministry of Foreign Affairs

Today the Russian information agencies spread the information that the Georgian armed forces have launched an attack on the so-called Russian "peacekeepers" in the conflict zone of Abkhazia and that, as they claim, the full-scaled military operations still continue.

The Ministry of Foreign Affairs of Georgia declares with full responsibility that the above-mentioned represents the recurrent disinformation of the Russian side and intends further escalation of the situation and justification of Russian aggression.

Tbilisi, 16 August 2008

## Enclosure 4

## Statement of the Ministry of Foreign Affairs

**Russia's occupation army explodes a railway bridge in Kaspi**

**Video footage**

Officials of the Russian Authorities continue their attempts to mislead the international community.

As noted in the previous statement of the Ministry of Foreign Affairs of Georgia of 16 August 2008, troops of the Russian occupation army carried out yet another subversive-terrorist act, they mined and exploded the Metekhi-Grakali span of the railway bridge in the Kaspi district, which resulted in the severing of railway links between the east and west of Georgia.

Deputy Chief of the General Staff of the Russian Armed Forces Anatoly Nogovitsyn denied the fact of the bridge blast and said: "I state with fully responsibility, it is ruled out."

With respect to this statement of Anatoly Nogovitsyn, every organization or physical person concerned may check the website http://www.youtube.com/watch?v=1Dqurwp09Kc, http://www.youtube.com/watch?v=BK3xVgrMfbg for video footage of the exploded bridge.

We are confident the international community assesses adequately the reliability of "data" disseminated by Russian officials concerning the developments throughout the Georgian territory, both in and outside the conflict zone.

Tbilisi, 16 August 2008

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**The situation in the Middle East**

**Security Council**
**Sixty-third year**

## Identical letters dated 18 August 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 15 to 31 July 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-46777 (E) 250808 260808

## Annex to the identical letters dated 18 August 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

**Israeli violations, acts of aggression and other activities from 15 to 31 July 2008, inclusive**

*Air violations*

On 15 July 2008:

- Between 0848 and 1135 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north as far as Jazzin. It circled over the south as far as Sidon, then left over Naqurah;
- Between 1130 and 1210 hours, four Israeli enemy warplanes violated Lebanese airspace. They entered over Rumaysh and headed north, proceeded as far as Beirut, circled between Beirut and the South, then left over Alma al-Sha'b.

On 16 July 2008:

- Between 1400 and 1645 hours, an Israeli enemy reconnaissance aircraft circled over the areas of Bint Jubayl and Tibnin;
- Between 2130 and 2205 hours, Israeli enemy warplanes flew intermittently over the areas of Bint Jubayl and Tibnin;
- At 1835 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Beirut, Juniyah, Dahr al-Baydar, Riyaq and the South before leaving over Alma al-Sha'b at 0320 hours on 17 July 2008.

On 17 July 2008:

- Between 0510 and 0615 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the Shuf and the South before leaving over Naqurah;
- Between 1000 and 1116 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north as far as Damur. It circled between Damur and areas of the South before leaving over Naqurah;
- Between 1057 and 1200 hours, eight Israeli enemy warplanes violated Lebanese airspace, entering over Alma al-Sha'b. They circled over all regions of Lebanon before leaving over Naqurah.

On 18 July 2008, at 1825 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh and heading north. It circled over the regions of the South before leaving at 0050 hours on 19 July 2008.

On 19 July 2008:

- At 2245 hours, and intermittently thereafter, Israeli enemy warplanes flew over the areas of Bint Jubayl and Tibnin;

– At 1825 hours, and then again at 2240 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre. It circled over the sea off Beirut before leaving at 0050 hours on 20 July 2008 over the sea off Naqurah.

On 22 July 2008:

– Between 1030 and 1115 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over the South, the western Bekaa and the Shuf before leaving over Kafr Killa;

– Between 1250 and 1350 hours, an Israeli enemy reconnaissance aircraft circled over the areas of Bint Jubayl and Naqurah;

– Between 1530 and 1600 hours, an Israeli enemy reconnaissance aircraft circled over the area of Bint Jubayl.

On 23 July 2008:

– Between 1205 and 1210 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Dayr Mimas. They circled over all regions of Lebanon before leaving over Alma al-Sha'b;

– Between 1545 and 1855 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving over Kafr Killa;

– At 1145 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It proceeded as far as Beirut and circled over the Beirut area. It then headed east as far as Riyaq and circled over that city, returned south and circled over the regions of the South before leaving at 0855 on 24 July 2008 over Naqurah;

– At 2359 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh and heading north. They proceeded as far as Shikka and circled between the North and the South before leaving at 0155 hours on 24 July 2008 over Naqurah.

On 24 July 2008:

– Between 1000 and 1145 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa and heading north. They proceeded as far as Shikka, then headed east as far as Hirmil and circled over the Baalbek-Hirmil area before leaving over Kafr Kila;

– Between 1230 and 1350 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded to circle over all regions of Lebanon before leaving over Rumaysh;

– Between 2140 and 2320 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Alma al-Sha'b. They proceeded to circle over all regions of Lebanon before leaving over Rumaysh.

On 25 July 2008:

– Between 0430 and 1700 hours, Israeli enemy warplanes flew intermittently over the areas of Bint Jubayl and Tibnin;

– At 1910 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aytarun. It circled over the South and the Bekaa before leaving at 0600 on 26 July 2008 over Alma al-Sha'b.

On 26 July 2008:

– Between 1210 and 1343 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh. They circled over all regions of Lebanon before leaving over Alma al-Sha'b;

– Between 2120 and 2145 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South, Beirut and Juniyah before leaving over Rumaysh.

On 28 July 2008:

– Between 0700 and 0825 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving over the sea off Naqurah;

– Between 1100 and 1815 hours, an Israeli enemy reconnaissance aircraft circled over the areas of Bint Jubayl and Tibnin.

On 29 July 2008:

– Between 1105 and 1230 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving over the sea off Naqurah;

– Between 1645 and 1805 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Damur and the South before leaving over Naqurah.

On 30 July 2008, between 1500 and 2245 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It proceeded as far as Beirut and circled over Beirut and the South before leaving over Rumaysh.

On 31 July 2008:

– Between 0700 and 1020 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over Beirut and the South before leaving over the sea off Naqurah;

– Between 1005 and 1140 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving over Alma al-Sha'b;

– Between 1535 and 1615 hours, an Israeli enemy reconnaissance aircraft circled over the region of Bint Jubayl;

– Between 2055 and 2120 hours, Israeli enemy warplanes flew intermittently at high altitude over the area of Naqurah.

*Acts of aggression in the field*

On 15 July 2008, at 0230 hours, an Israeli enemy patrol shone a searchlight for one minute in the direction of a Lebanese Army position (south-east of Alma al-Sha'b).

On 17 July 2008, beginning at 0630 hours, the Israeli enemy sent a recorded message to some Lebanese mobile and landline telephones. The contents of the message were as follows: "The State of Israel warns the Lebanese people that they should not respond to Hizbullah propaganda. The Lebanese people will pay dearly for any aggression by that terrorist party against the State of Israel. From the State of Israel to the people and Government of Lebanon: do not allow Hizbullah to once again bring ruin and destruction to your country. The State of Israel will respond resolutely and strongly to any aggression committed against it by Hizbullah".

On 19 July 2008, between 2135 and 2330 hours, the Israeli enemy shone a searchlight from the western gate of the Zar'it barracks towards the Marwahin triangle, and then once again, at 2110 hours, towards the Lebanese Army positions at Tarbikha and Jabal Balat.

On 20 July 2008:

- At 0915 hours, in the northern part of the town of Ghajar, opposite the water pump at the Wazzani spring, an Israeli enemy patrol attached five searchlights to supports that had been previously erected;
- At 2142 hours, Israeli enemy forces shone a searchlight for one minute from the western gate of the Zar'it barracks towards the Marwahin-Jabal Balat triangle.

On 23 July 2008:

- Between 1430 hours and 1630 hours, an Israeli enemy patrol comprising two Hummer vehicles and a crane transported 20 cement blocks to the northern part of the town of Ghajar and placed them on top of an earthen berm;
- At 2035 hours, the Israeli enemy shone a searchlight for two minutes from the western gate of the Zar'it barracks (opposite Marwahin) towards the Tarbikha gate.

On 24 July 2008:

- At 2250 hours, the Israeli enemy shone a searchlight for two minutes from the Zar'it barracks towards the Lebanese Army position at Tarbikha;
- At 2353 hours, from its position on the Mays al-Jabal-Muhaybib road, a Merkava tank belonging to the Israeli enemy directed its cannon towards the Lebanese Army observation post at Mays al-Jabal for a period of three minutes.

On 25 July 2008, at 2305 hours, the Israeli enemy shone a searchlight for one minute from the Zar'it barracks towards the Marwahin triangle.

On 27 July 2008:

- At 2147 hours, and then once again at 2220 hours, the Israeli enemy shone a searchlight for two minutes from the western gate of the Zar'it barracks towards the Marwahin triangle;

– At 2147 hours, the Israeli enemy shone a searchlight for two minutes from the Zar'it barracks towards Tarbikha-Jabal Balat.

On 28 July 2008, at 2110 hours, the Israeli enemy shone a searchlight for 40 seconds from the Zar'it barracks towards the Marwahin triangle, the Tarbikha gate and surrounding woodlands. The enemy repeated that exercise at 2129 hours for a period of one minute.

On 29 July 2008, at 0010 hours, and then once again at 0110 hours, the Israeli enemy shone a searchlight for one minute from the Zar'it barracks towards the Marwahin triangle and Jabal Balat.

On 30 July 2008, at 2055 hours, the Israeli enemy shone a searchlight for one minute from the Zar'it barracks towards the Marwahin triangle and the Tarbikha gate. The enemy repeated that exercise at 2110 hours, shining the searchlight for one and one-half minutes towards the Marwahin triangle, the Tarbikha gate and the position of the 6th Brigade at Jabal Balat.

*Israeli activities*

On 21 July 2008, at 0830 hours, on the outskirts of the town of Ghajar, an Israeli enemy patrol, comprising a Hummer vehicle towing a Poclain construction vehicle, widened a 15 metre section of a dirt road. The patrol left at 1300 hours.

On 22 July 2008, between 1030 and 1620 hours, south of the occupied town of Ghajar, Israeli enemy forces widened a 20 metre section of a dirt road.

On 30 July 2008, at 0500 hours, opposite the town of Rumaysh, two Israeli enemy Merkava tanks crossed the technical fence via the Qatmun gate. Some 20 persons alighted and proceeded to search for landmines. Two such mines were detonated, one at 1015 hours and another at 1020 hours. They left at 1215 hours, without violating the Blue Line.

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**Sixty-second session**
Agenda item 17
**The situation in the Middle East**

**Security Council**
**Sixty-third year**

## Identical letters dated 18 August 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel during the month of July 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-46789 (E) 220808 250808

# Annex to the identical letters dated 18 August 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

## Statistical table showing Israeli violations during July 2008

| *Air violations* | | | | | *Land violations* | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| *Military jet* | *Reconnaissance* | *Helicopter* | *Total* | *Sea violations* | *Military acts of aggression* | *Field violations* | *Breaches* | *Total* | *Overall total* | *Previous month's violations* |
| | | | | Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters | Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians | Gunfire, launching of flare shells, dropping of artillery shells, infiltration and crossing of international borders | Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory | | | |
| 34 | 32 | — | 66 | 1 | — | 30 | 2 | 32 | 99 | 71 |

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**General Assembly**
**Sixty-second session**
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**Measures to eliminate international terrorism**

**Security Council**
**Sixty-third year**

## Letter dated 14 August 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the Rabat Declaration, which was adopted at the Fifth Conference of Ministers of Justice of the French-speaking African Countries on the implementation of the international counter-terrorism instruments, held in Rabat from 12 to 16 May 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 108, and of the Security Council.

(*Signed*) Hamid **Chabar**
Ambassador Extraordinary and Plenipotentiary
Deputy Permanent Representative

08-47023 (E) 180908 190908

## Annex to the letter dated 14 August 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General

## Rabat Declaration

**Adopted by the Fifth Conference of Ministers of Justice of the French-speaking African Countries on the implementation of the international counter-terrorism instruments**

We, the Ministers of Justice and heads of delegations of the following countries: Benin, Burkina Faso, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritania, Morocco, Niger, Rwanda, Sao Tome and Principe, Senegal, Togo, and Tunisia;

Gathered at the Fifth Conference of Ministers of Justice of the French-speaking African Countries on the implementation of the international counter-terrorism instruments, held in Rabat from 12 to 16 May 2008;

In the presence of the United Nations, represented by the United Nations Office on Drugs and Crime and the Office of the High Commissioner for Human Rights, and the following regional and international organizations: the Central African Economic and Monetary Community, the International Organization of la Francophonie, the International Criminal Police Organization and the International Centre for the Prevention of Crime;

Reiterating our strong condemnation of all terrorist acts and all manifestations of any terrorist method or practice, which are judged to be criminal, wherever they take place, for whatever purpose they are carried out and whoever the perpetrator may be;

Recalling that the Global Counter-Terrorism Strategy, which was adopted on 8 September 2006, enhances the overall framework for the efforts made by the French-speaking African countries to effectively counter the scourge of terrorism in all its forms and manifestations;

Acknowledging that international cooperation is a key component in preventing and combating terrorism, in accordance with the obligations imposed under international law, notably, the Charter of the United Nations and the relevant international conventions and protocols and, in particular, instruments relating to human rights, the rights of refugees and international humanitarian law;

Welcoming the work accomplished during the first part of this Conference, which comprised an expert workshop for the development for the French-speaking African countries of a draft international instrument on extradition and mutual legal assistance in the context of counter-terrorism, during which experts from the French-speaking African countries represented formulated a draft convention on extradition and mutual legal assistance in matters related to counter-terrorism, pursuant to the Ouagadougou Declaration;

Noting with satisfaction the provisions of General Assembly resolution 62/71 of 6 December 2007, which "requests the Terrorism Prevention Branch of the

United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building";

Welcoming also the issuance of the Cairo Declaration, the Port Louis Declaration, the Sharm El-Sheikh Declaration and the Ouagadougou Declaration, adopted on 4 September 2003, 27 October 2004, 9 February 2006 and 22 March 2007, respectively, during the Conferences of Ministers of Justice of the French-speaking African Countries on the ratification and implementation of the universal counter-terrorism instruments, as documents A/C.3/58/4, A/59/811, A/60/845 and A/61/992-S/2007/416 of the General Assembly and Security Council;

1. Warmly congratulate the French-speaking African countries which, since the Ouagadougou Declaration, have ratified international counter-terrorism instruments and incorporated them into national law and submitted their reports to the counter-terrorism-related Security Council Committees;

2. Recommend that the French-speaking African countries which are not yet parties to the international counter-terrorism instruments and, in particular, the instruments against nuclear terrorism adopted in 2005, should ratify or accede to them as soon as possible and adopt the laws and regulations necessary for effective implementation;

3. Encourage the French-speaking African countries to submit their reports to the counter-terrorism-related Security Council Committees;

4. Request the United Nations Office on Drugs and Crime, in cooperation with the International Organization of la Francophonie and other competent international, regional and subregional organizations, to continue to provide the French-speaking African countries with the technical assistance required for the ratification and implementation, at the legislative level, of the international counter-terrorism instruments, for the training of criminal justice officials in international cooperation in criminal matters related to counter-terrorism and for the preparation of their reports to the counter-terrorism-related Security Council Committees;

5. Adopt the draft convention on extradition and mutual legal assistance in counter-terrorism (annexed hereto) which was formulated during the first part of this Conference, pursuant to the Ouagadougou Declaration;

6. Recommend that the French-speaking African countries sign and ratify that Convention as soon as possible; and request the United Nations Office on Drugs and Crime, in cooperation with the International Organization of la Francophonie, to provide such technical assistance as is necessary for the implementation of the Convention and the establishment and follow-up of the Conference of the States Parties;

7. Invite the French-speaking African countries to conduct an annual review of the progress made in the ratification, accession to and rapid implementation of

the international counter-terrorism instruments and submit their responses to the counter-terrorism-related Security Council Committees;

8. Invite the depositary State to bring this Declaration to the attention of the General Assembly of the United Nations at its sixty-second session and, with the technical assistance of the United Nations Office on Drugs and Crime, to register the Convention on Extradition and Mutual Legal Assistance in Counter-terrorism with the Secretary-General, in accordance with Article 102 of the Charter of the United Nations;

9. Take note of and express our appreciation for the offer made by the Government of the Republic of Madagascar to host the Sixth Conference of Ministers of Justice of the French-speaking African Countries;

10. Decide to extend the agenda of forthcoming Conferences to include transnational organized crime;

11. Congratulate the United Nations Office on Drugs and Crime and the International Organization of la Francophonie on their contribution to the sustainability of the Conference of Ministers of Justice of the French-speaking African Countries;

12. Express our sincere gratitude to the Government of the Kingdom of Morocco for having hosted and jointly organized, in Rabat, from 12 to 16 May 2008, the Fifth Conference of Ministers of Justice of the French-speaking African Countries on the implementation of the international counter-terrorism instruments, and request the President of the Conference to convey our thanks to His Excellency Mr. Abbas El Fassi, Prime Minister of the Kingdom of Morocco, and our respectful greetings to His Majesty King Mohammed VI.

Done at Rabat on 16 May 2008.

## Annex

# Convention on Extradition and Mutual Legal Assistance in Counter-terrorism

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## Preamble

The African States Parties to this Convention, States Members of the United Nations and members of the International Organization of la Francophonie;

*Reaffirming* their commitment to the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006 (A/RES/60/288);

*Reaffirming* also the Ouagadougou Declaration (A/61/992-S/2007/416), the provisions of the Charter of la Francophonie and the principles of the Bamako and Saint Boniface Declarations;

*Considering* that the general principles of international law are applicable to situations that are not covered by this Convention;

*Underlining* the universal and indivisible nature of all civil, political, economic, social and cultural rights, including the right to development, as recognized in the Vienna Declaration of 25 June 1993, and the determination of our States and Governments, Parties to this Convention, to ensure full enjoyment thereof for every citizen;

*Reaffirming* their solemn decision to implement all General Assembly resolutions concerning measures to eliminate international terrorism and relating to the protection of human rights and fundamental freedoms in the fight against terrorism, and all Security Council resolutions on threats to international peace and security caused by terrorist acts;

*Strongly reiterating* condemnation of all forms and manifestations of terrorism, wherever it takes place, for whatever purpose it is carried out and whoever the perpetrator may be, given that it constitutes one of the most serious threats to international peace and security, in accordance with the purposes and principles enshrined in the Charter of the United Nations;

*Recognizing* that international cooperation is essential for preventing and combating terrorism in accordance with the obligations imposed by international law, in particular the Charter of the United Nations and the relevant international conventions and protocols, especially those instruments relating to human rights, the rights of refugees and international humanitarian law;

*Committed* to cooperating fully in the fight against terrorism, in accordance with their obligations under international law, in order to find, deny safe haven and bring to justice, through extradition or prosecution, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;

*Committed* to ensuring that persons responsible for terrorist acts are apprehended, prosecuted or extradited, in accordance with the relevant provisions of national and international law, with due respect for human rights, the rights of refugees and international humanitarian law;

Have agreed as follows:

## Part I: General provisions for mutual legal assistance and extradition

### Article 1: Definitions

For the purposes of this Convention, the term:

1. "Criminal matters" includes any investigation, prosecution or legal procedure relating to a terrorist act provided for in one of the international counter-terrorism instruments set forth in paragraph 5 of this article.

2. "Extradition" shall mean the delivery of a person who is sought by the requesting State Party for criminal prosecution for one of the offences provided for, in particular, in one of the international counter-terrorism instruments set forth in paragraph 5 of this article or in order to serve the sentence imposed for such an offence.

3. "Requesting State Party" shall mean the State Party which asks the requested State Party for mutual legal assistance in respect of a criminal matter and/or the extradition or provisional arrest with a view to extradition of a person.

4. "Requested State Party" shall mean a State which receives from the Requesting State Party a request for mutual legal assistance in respect of a criminal matter and/or the extradition or provisional arrest with a view to extradition of a person.

5. "International counter-terrorism instruments" shall mean, in particular, the international instruments set forth below:

(a) Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

(b) Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

(e) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

(f) Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980;

(g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

(h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988;

(i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

(j) Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991;

(k) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;

(l) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

(m) International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly of the United Nations on 13 April 2005;

(n) Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005;

(o) Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at London on 14 October 2005;

(p) Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at London on 14 October 2005.

6. "Central authority" shall mean the authority established by each State Party in order to implement this Convention.

**Article 2: Designation of the competent central authorities**

Each State Party shall designate and indicate to the United Nations Office on Drugs and Crime, which in turn shall transmit to the depository of this Convention, information concerning the central authority or authorities by or through which requests for mutual legal assistance and/or extradition for the purposes of this Convention should be made or received.

**Article 3: Role of the competent central authorities**

The central authority shall be responsible for:

(a) Formulating and receiving requests for mutual assistance and extradition and implementing and/or ensuring the implementation of such requests;

(b) If necessary, certifying or authenticating, or having certified or authenticated, all documents and other materials submitted in response to a request for mutual assistance and/or extradition;

(c) Taking appropriate practical measures to facilitate the swift and orderly retransmission of requests for mutual assistance and extradition;

(d) Negotiating and accepting conditions relating to requests for mutual assistance and extradition, and ensuring that these conditions are observed;

(e) Taking all steps deemed necessary to transmit documentary evidence gathered in response to a request for mutual assistance or extradition to the competent authority of the requesting State Party, or authorizing any other body to do so;

(f) Carrying out the other tasks provided for by this Convention or those necessary, where appropriate, for effective and high-quality mutual assistance and/or extradition to be provided or received.

**Article 4: Protection of sovereignty**

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention shall entitle a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

3. Nothing in this Convention shall oblige a State Party to grant mutual legal assistance and/or extradition if it has not ratified the international counter-terrorism instrument on which the request for mutual legal assistance and/or extradition is based.

**Article 5: Exclusion of the political or fiscal exception clause**

1. None of the offences set forth in the universal counter-terrorism instruments shall be regarded, for the purposes of mutual legal assistance and extradition between States Parties, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for mutual legal assistance or for extradition based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

2. None of the offences set forth in the International Convention for the Suppression of the Financing of Terrorism shall be regarded, for the purposes of mutual legal assistance and extradition between States Parties, as a fiscal offence or as an offence connected with a fiscal offence. Accordingly, a request for mutual legal assistance or for extradition based on such an offence may not be refused on the sole ground that it concerns a fiscal offence or an offence connected with a fiscal offence.

**Article 6: Anti-discrimination clause**

Nothing in this Convention shall be interpreted as imposing an obligation to afford mutual legal assistance in criminal matters or to extradite, if there are substantial grounds for believing that the request for mutual legal assistance in criminal matters or for extradition concerning one of the offences set forth in the international counter-terrorism instruments has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

**Article 7: Grounds for refusal**

1. Reasons shall be given for any partial or total refusal to comply with a request for mutual legal assistance in criminal matters or for extradition and such reasons shall be communicated by the requested State Party to the requesting State Party.

2. Before refusing extradition or mutual legal assistance, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

3. With regard to mutual legal assistance and where possible, the central authority of the requested State Party shall be permitted to approve a request and to afford the assistance sought, subject to such conditions as it deems appropriate in the particular case under consideration, including but not limited to restrictions on all use. Once these conditions have been accepted by the requesting State Party to the satisfaction of the central authority of the requested State Party, the latter may transmit the results of the execution of the request.

4. This Convention shall not prevent the requested State Party from invoking the grounds for refusal of mutual assistance and extradition provided for by a bilateral treaty on mutual legal assistance and/or extradition, nor, in the absence of such a treaty, the applicable principles of its domestic law, including when execution of the request would be detrimental to its sovereignty, its security, its public order or other essential interests.

## Part II: Mutual legal assistance

## Section I: General provisions

### Article 8: Purpose

The Parties shall, in accordance with the provisions of this Convention, afford to each other the widest possible measures of mutual legal assistance in all proceedings related to offences covered by the international counter-terrorism instruments, the punishment of which, at the time of the request for mutual legal assistance, falls within the jurisdiction of the judicial authorities of the requesting State.

### Article 9: Scope of application

Mutual legal assistance in criminal matters to be afforded in accordance with this Convention may be requested for any of the following purposes:

(a) Taking evidence or statements from persons;

(b) Effecting service of judicial documents;

(c) Executing searches and seizures, and freezing;

(d) Examining objects and sites;

(e) Providing information, evidentiary items and expert evaluations;

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

(h) Facilitating the voluntary appearance of persons in the requesting State Party;

(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party.

**Article 10: Prohibition on invoking bank secrecy**

States Parties shall not decline to render mutual legal assistance in criminal matters pursuant to this Convention on the ground of bank secrecy.

**Article 11: Dual criminality**

1. States Parties may decline to render mutual legal assistance pursuant to this Convention on the ground of absence of dual criminality.

2. However, the requested State Party may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under its domestic law.

**Article 12: Forms of the request**

1. The central authority of the requested State Party shall accept a request for mutual assistance from a requesting State Party by any means producing a written communication and under conditions that allow it to verify the authenticity of the request.

2. In an emergency, the central authority of the requested State Party shall accept a verbal request, provided that this is confirmed by any means producing a written communication and at the earliest opportunity.

**Article 13: Transmission of requests for mutual legal assistance in criminal matters**

In an emergency, requests for mutual assistance shall be transmitted directly from one judicial authority to another. The central authority of the requesting Party, at its earliest convenience, shall transmit the original copy of the request to the central authority of the requested Party. All requests for mutual legal assistance may be transmitted through the International Criminal Police Organization (ICPO)-INTERPOL to the central authority of the requested Party.

**Article 14: Contents of requests**

1. A request for mutual legal assistance in criminal matters shall contain the following elements:

(a) Formal identification of the requesting authority conducting the investigation, prosecution or court proceedings to which the request relates, including its name, its functions and/or titles, its full contact details and those of the person authorized to answer questions related to the request, the language or languages in which the requesting authority may be contacted and, where appropriate, the case references;

(b) The legal basis for the request;

(c) A description of the assistance sought and, where appropriate, of any particular procedure that the requesting State Party wishes to be followed;

(d) The nature and legal qualification of the facts in the requesting State Party and the applicable legal provisions;[1]

(e) The purpose of the request;

(f) A description of the criminal case, including a summary of the facts, except in relation to requests for the purpose of service of judicial documents and any relevant offences and penalties;

(g) The particulars of the person to be heard as a witness or as the accused, including his or her given name, family name and, where appropriate, maiden name and any aliases; his or her sex, nationality, date and place of birth and known residence or address; the language or languages understood by the wanted person; and distinctive features, photographs and fingerprints of the wanted person;

(h) A description of the items to be seized and/or returned and, where appropriate, their locations;

(i) Such other information as is necessary for the proper execution of the request;

(j) The expected deadline required to complete the request and, in an emergency, the grounds for time constraints;

(k) Where applicable, assurances of reciprocity;

(l) The signature and official seal of the requesting authority and the date the request was issued;

(m) Where applicable, annexes containing relevant documents enclosed with the request.

2. In the event that the information referred to in paragraph 1 of this article is insufficient, the requested State Party may seek additional information from the requesting State Party.

3. When a request does not contain the information referred to in paragraph 1 of this article, the validity of this request shall not thereby be affected and this lack of information shall not be used to avoid the execution of the request.

**Article 15: Applicable law**

A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to its domestic law and where possible, in accordance with the procedures specified in the request.

**Article 16: Confidentiality**

The requested State Party shall do its utmost to maintain the confidential nature of a request and its contents, if so requested by the requesting State Party. If the request cannot be executed without breaching the requested confidentiality, the central authority of the requested State Party shall so inform the requesting State Party, which shall then determine whether the request should nevertheless be executed.

[1] Copies of incriminating documents shall be annexed to the request.

**Article 17: Rule of speciality**

1. The requesting State Party shall not, without the consent of the requested State Party, use or transfer information or evidence provided by the requested State Party for investigations or judicial proceedings other than those stated in the request. However, the central authority of the requesting State Party may authorize their use or transfer for these other purposes.

2. Notwithstanding the principle set out in paragraph 1 of this article, in cases where the charge is altered, the material provided may be used insofar as the offence, as charged, is an offence in respect of which mutual assistance could be provided under this Convention.

**Article 18: Provision of publicly available documents and other records**

1. The requested State Party shall provide copies of documents and records insofar as they are open to public access as part of a public register or otherwise, or insofar as they are available to the general public under its domestic law.

2. The requested State may provide copies of any other document or record under the same conditions as such document or record may be provided to its own law enforcement and judicial authorities.

3. The requested State Party may, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under domestic law are not available to the general public.

**Article 19: Presence at the execution of the request for assistance**

1. If the requested State Party so agrees, the competent authorities of the requesting State Party may nominate suitably qualified persons to witness the execution of the request for mutual assistance. In this case, the requested State Party shall inform the requesting State Party of the date and place of execution of the request for mutual assistance.

2. When they have witnessed the execution of the request for mutual assistance, the suitably qualified persons nominated by the requested State Party may receive a copy of the documents produced in response to the request.

**Article 20: Certification and authentication**

Unless otherwise provided for by this Convention, a request for mutual legal assistance in criminal matters and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.

**Article 21: Deadlines for execution of the request**

1. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the requests.

The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

2. Mutual legal assistance may be postponed by the requested State Party on the grounds that it interferes with an ongoing investigation, prosecution or judicial proceeding. However, before postponing the execution of a request pursuant to paragraph 1 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

**Article 22: Return of materials to the requested State**

Any property, as well as original records or documents, handed over to the requesting State under this Convention shall be returned to the requested State as soon as possible unless the latter waives its right of return thereof.

**Article 23: Costs of mutual legal assistance**

The ordinary costs of executing a request for mutual legal assistance in criminal matters shall be borne by the requested State Party, unless otherwise determined by the Parties. If expenses of a substantial or extraordinary nature are or will be required to execute the request, the Parties shall consult in advance to determine the terms and conditions under which the request shall be executed.

**Article 24: Spontaneous transmission of information**

1. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

2. The authority which provides the information may, in accordance with its national law, subject its use by the recipient authority to certain conditions. The latter shall comply with these conditions.

## Section II: Specific provisions relating to certain forms of mutual legal assistance in criminal matters

**Article 25: Service of documents**

1. Without prejudice to article 15 of this Convention, the requested State Party shall effect the service of summons and court decisions that are transmitted to it for this purpose by the requesting Party. This service may be effected by simple transmission of the summons or decision to the recipient. If expressly requested by the requesting State Party or the requesting authority, the requested States Party shall effect the service of documents in one of the forms provided for by the legislation of the requesting State Party for similar services, or in a special form compatible with this legislation.

2. Proof of service shall be effected by means of a receipt signed and dated by the recipient or a statement by the requested State Party recording the act, form and date of service. Either document shall be immediately transferred to the requesting State Party. At the request of the latter, the requested State Party shall specify whether service has been effected in accordance with its law. If service could not be effected, the requested State Party shall immediately inform the requesting State Party of the reasons for this.

3. The requested State Party may postpone the servicing of property, records or documents whose transmission is requested, if these are required by it for an ongoing criminal procedure.

4. Any property, as well as original records or documents, transmitted pursuant to the execution of a request for mutual legal assistance shall be returned by the requesting State Party to the requested authority as soon as possible unless the latter waives its right of return thereof.

**Article 26: Obtaining of evidence and statements**

1. If the requesting State Party considers it particularly necessary for a witness or an expert to appear in person before its judicial authorities or to assist in an investigation in relation to a criminal matter, it shall refer to this in the subpoena and the requesting central authority shall invite this expert or this witness to appear in a criminal proceeding or to assist in an investigation in relation to a criminal matter. The requested central authority shall inform the requesting authority of the response of the witness or expert. Where appropriate, the requesting State Party shall prove that the necessary arrangements have been made to guarantee the safety of the person in question.

2. A subpoena shall be delivered to the requested State Party at least 30 days before a person is to appear. In an emergency, the requested State Party shall accept an earlier deadline.

3. The payment of allowances and the reimbursement of travel and accommodation expenses to witnesses and experts by the requesting State Party shall be calculated from the place of their residence and shall be allocated to them at rates at least equal to those provided for by the tariffs and regulations in force in the State where the hearing shall be held. If so requested, the requested central authority may agree to provide the witness or expert with an advance. Such an advance shall be mentioned in the subpoena and shall be reimbursed by the requesting State Party.

4. A person who is required to give evidence in the requested or requesting State Party may decline to give evidence where either:

(a) The law of the requested State Party permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requested State Party; or

(b) The law of the requesting State Party permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requesting State Party.

5. If a person claims that there is a right or obligation to decline to give evidence under the law of the other State Party, the State where that person is present shall,

with respect thereto, rely on a certificate of the competent authority of the other State as evidence of the existence or non-existence of that right or obligation.

**Article 27: Appearance of detained persons**

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by the international counter-terrorism instruments may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The requested State Party gives its consent.

2. For the purposes of paragraph 1 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State Party from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with paragraphs 1 and 2 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State Party to which that person is transferred in respect or acts, omissions or convictions prior to his or her departure from the territory of the State Party from which such person was transferred.

4. The transit of the detained person in the territory of another State Party to this Convention shall be granted upon a request accompanied by any relevant documents and addressed by the central authority of the requesting State Party to the central authority of the requested State Party of the transit, or by the Ministry for Justice of the requesting State Party to the Ministry of Justice of the requested State Party of the transit.

**Article 28: Safe conduct**

1. A witness, whether or not he or she is a detainee, or an expert, whatever his or her nationality, who appears before the judicial authorities of the requesting State Party following a subpoena or who assists in an investigation in relation to a criminal matter, may not be prosecuted, detained or subjected to any other

restriction of personal liberty in the territory of this State for acts or convictions that preceded his or her departure from the requested State and were not referred to in the subpoena.

2. The immunity provided for in this article shall cease to apply if the witness or expert, being free to leave, has not left the requesting State Party within a period of 15 consecutive days after his or her presence was no longer required by the judicial authorities or, having left, has returned.

3. A person who does not consent to a request pursuant to articles 26 and 27 of this Convention shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measure, notwithstanding any contrary statement.

**Article 29: Obtaining evidence and statements by videoconference**

1. The competent authority of the requesting State Party may request the use of video or telephone transmissions to obtain evidence, to deliver statements, to identify persons or property, or to provide any other form of assistance.

2. The costs for establishing and maintaining a video or telephone link in the requested State Party shall be borne by the requesting State Party, unless otherwise agreed.

**Article 30: Search and seizure**

The competent authorities of the requested State shall, insofar as its law permits, carry out requests for search and seizure and delivery of any material to the requesting State Party for evidentiary purposes, provided that the rights of bona fide third parties are protected.

**Article 31: Freezing, seizure and confiscation of property, instruments of crime and proceeds of crime**

1. For the purposes of this article:

(a) "Freezing" or "seizure" shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a competent authority or a court;

(b) "Confiscation" shall mean the permanent deprivation of property, in accordance with the national provisions of States, by order of a competent authority or a court;

(c) "Property" shall mean property and assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents and instruments evidencing title to or ownership of such property and assets, any property used or intended to be used, in whole or in part, in the context of or as the result of any act that constitutes an offence as defined in the universal counter-terrorism instruments;

(d) "Instruments of crime" shall mean any property:

(i) used for, or in the context of, the commission of an offence or an illicit activity; or

(ii) intended to be used for, or in the context of, the commission of an offence or an illicit activity;

whether or not the location of such property, or the site of the commission of the offence, is inside or outside the requested State Party;

(e) "Proceeds of crime" shall mean any funds derived from or obtained, directly or indirectly, through the commission of an offence referred to by the international counter-terrorism instruments, whether or not the location of such property, or the site of the commission of the offence, is inside or outside the requested State Party.

2. If so requested by a State, the competent authority of the requested State Party shall order the freezing or seizure of property, the proceeds or instruments of a crime, or property held for terrorist purposes if it is convinced that there are sufficient grounds to obtain an order for such purposes pursuant to the law of the requesting State Party. This order shall be applied as if the offence in question had been committed in the territory of the requested State Party.

3. The requested State Party, to the extent permitted by its domestic law and if so requested, shall give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners.

**Article 32: Official denunciation for the purpose of instituting proceedings**

Any denunciation addressed by one State Party for the purpose of proceedings in the courts of another State Party shall be the subject of communications between the central authorities or the Ministries of Justice. The requested State Party shall make known the outcome of the denunciation and, where appropriate, transmit a copy of any decision reached.

## Part 3: Extradition

**Article 33: The obligation to extradite or prosecute**

1. The States Parties undertake to extradite to the other, upon request and subject to the provisions of the present Convention, any person who is wanted in the requesting State Party for prosecution for any offence provided for in the international counter-terrorism instruments, or for the imposition or enforcement of a sentence in respect of such an offence.

2. If the requested State Party responds negatively to the extradition request, it shall be obliged, without exception, regardless of where the crime was committed or the perpetrator's nationality, and without undue delay, to submit the case to its competent authorities for the purpose of prosecution. The requesting State Party shall, to the extent possible, formally submit the case for the purposes of prosecution.

3. Each State Party shall take such measures as may be necessary to establish its jurisdiction in accordance with the present Convention in the case where the suspected offender is present in its territory and it does not extradite him to a State Party whose jurisdiction is based on a rule of jurisdiction existing equally in the law of the requested

State Party. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

**Article 34: Extraditable offences**

1. For the purposes of the present Convention, extraditable offences are offences referred to in the international counter-terrorism instruments. Where the request for extradition relates to a person who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty imposed for such an offence, extradition shall be granted only if a period of at least six months of such sentence remains to be served.

2. In determining whether an offence is an offence punishable under the laws of both Parties, it shall not matter whether:

(a) The laws of the States Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology;

(b) Under the laws of the States Parties the constituent elements of the offence differ, it being understood that the totality of the acts or omissions as presented by the requesting State shall be taken into account.

**Article 35: Mandatory grounds for refusal**

Article 5 of the present Convention notwithstanding, extradition shall be refused on the following grounds:

1. Torture and other cruel, inhuman or degrading treatment or punishment: No provision of the present Convention shall be interpreted as implying an obligation to extradite if the person whose extradition is requested is at risk of being subjected to torture or cruel, inhuman or degrading treatment or punishment as defined by international law.

2. Nationality: If the person whose extradition is requested is a national of the requested State Party, where the domestic law of the latter prohibits the extradition of nationals;

3. Due process guaranties: If the person whose extradition is requested has not received or would not receive the minimum guarantees in criminal proceedings, as contained in the article 14 of the International Covenant on Civil and Political Rights;[2]

[2] Article 14 of the International Covenant on Civil and Political Rights:
1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

4. Judgement in absentia: If the judgement of the requesting State Party has been rendered in absentia, the convicted person has not had sufficient notice of the trial or the opportunity to arrange for his or her defence and he has not had or will not have the opportunity to have the case retried in his or her presence.

**Article 36: Optional grounds for refusal**

Extradition may be refused:

1. Final judgement: If there has been a final judgement rendered against the person in the requested State Party in respect of the offence for which the person's extradition is requested;

2. Proceedings are pending in the requested State Party: If a prosecution in respect of the offence for which extradition is requested is pending in the requested State Party against the person whose extradition is requested.

3. Statute of limitations: If prosecution or punishment of the wanted person is barred under the law of the requested State Party or the requesting State Party due to the lapse of time or the expiration of the statute of limitations at the time of receipt of the extradition request;

4. Humanitarian considerations: If the requested State Party, while also taking into account the nature of the offence and the interests of the requesting State Party, considers that, in the circumstances of the case, the extradition of that person would be

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3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
   1. To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
   2. To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
   3. To be tried without undue delay;
   4. To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
   5. To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
   6. To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
   7. Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

incompatible with humanitarian considerations in view of age, health or other personal circumstances of that person.

**Article 37: Applicable sentence**

If the applicable sentence in the requesting State Party's legislation for the offence for which extradition has been requested is not provided for in the law of the requested State Party, the applicable penalty for the same offences provided for by the requested State Party's legislation shall, on agreement between the two States Parties be substituted.

**Article 38: Form and content of the request**

1. A request for extradition shall be made in writing.

2. A request for extradition shall include the following elements:

(a) Formal identification of the requesting authority responsible for the court proceedings to which the request relates, including its name, its functions and/or title, its full contact details and those for the person authorized to answer questions regarding the request, the language or languages in which the requesting authority may be contacted and, where appropriate, case references;

(b) The nature and legal qualification of the facts in the requesting State Party or, where necessary, an explanation of the law applicable to the offence and a statement of the penalty for the offence, as well as the applicable legal provisions;[3]

(c) A description of the criminal case including a summary of the facts;

(d) The particulars of the person to be extradited, including the given name, family name and, where applicable, maiden name and any aliases; his or her sex, nationality, date and place of birth, known residence or address; the language or languages understood by the wanted person; and distinctive features, photographs and fingerprints of the wanted person;

(e) Such other information as is necessary for the proper execution of the request;

(f) Where applicable, assurances of reciprocity;

(g) The signature and official seal of the requesting authority and the date the request was issued;

(h) Annexes containing relevant documents enclosed with the request.

3. A request for extradition shall be accompanied by the following:

(a) If the person is accused of an offence, by a warrant issued by a court or other competent judicial authority for the arrest of the person or a certified copy of that warrant, a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the alleged offence, including an indication of the time and place of its commission;

(b) If the person has been convicted of an offence, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting

[3] Copies of incriminating documents shall be annexed to the request.

the offence and by the original or certified copy of the judgement or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable, and the extent to which the sentence remains to be served;

(c) If the person has been convicted of an offence in his or her absence, in addition to the documents set out in paragraph (b) above, by a statement as to the legal means available to the person to prepare his or her defence or to have the case retried in his or her presence;

(d) If the person has been convicted of an offence but no sentence has been imposed, by a judicial decision or by a document setting out the conviction and a statement affirming that there is an intention to impose a sentence.

4. If the information specified in paragraph 2 of the present article is not included in the request, steps shall be taken to provide it.

**Article 39: Delivery of the request**

The extradition request, supporting material and subsequent communications shall be sent by the designated central authorities in accordance with article 2 of the present Convention, or through the diplomatic channel.

**Article 40: Simplified extradition procedure**

The requested State Party, if not precluded by its law, may grant extradition after receipt of a request for provisional arrest, provided that the person sought explicitly consents before a competent authority.

**Article 41: Certification and authentication**

Except as provided by the present Convention, a request for extradition and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.

**Article 42: Additional information**

If the requested State Party considers that the information provided in support of a request for extradition is not sufficient, it may request that additional information be furnished within such reasonable time as it specifies.

**Article 43: Provisional arrest**

1. In case of urgency the requesting State Party may apply for the provisional arrest of the person sought pending the presentation of the request for extradition. The application shall be transmitted by means of the facilities of the International Criminal Police Organization (INTERPOL), by post, or by any other means affording a record in writing.

2. The application shall contain a description of the person sought, a statement that extradition is to be requested, a statement of the existence of one of the documents mentioned in paragraph 38 of the present Convention, authorizing the apprehension of the person, a statement of the punishment that can be or has been imposed for the offence, including the time left to be served and a concise statement of the facts of the case, and a statement of the location, where known, of the person.

3. The requested State Party shall decide on the application in accordance with its law and communicate its decision to the requesting State Party without delay.

4. The person arrested upon such an application shall be set at liberty upon the expiration of 40 days from the date of arrest if a request for extradition, supported by the relevant documents specified in article 38 of the present Convention, has not been received. The present paragraph does not preclude the possibility of provisional release of the person prior to the expiration of the 40 days.

5. The release of the person pursuant to paragraph 4 of the present article shall not prevent rearrest and institution of proceedings with a view to extraditing the person sought if the request and supporting documents are subsequently received.

**Article 44: Applicable law**

The requested State Party shall deal with the request for extradition pursuant to procedures provided by its own law.

**Article 45: Decision on the request**

The requested State Party shall promptly communicate its decision to the requesting State.

**Article 46: Surrender of the person**

1. Upon being informed that extradition has been granted, the States Parties shall, without undue delay, arrange for the surrender of the person sought and the requested State Party shall inform the requesting State Party of the length of time for which the person sought was detained with a view to surrender.

2. The person shall be removed from the territory of the requested State Party within such reasonable period as the requested State Party specifies and, if the person is not removed within that period, the requested State Party may release the person and may refuse to extradite that person for the same offence.

3. If circumstances beyond its control prevent a State Party from surrendering or removing the person to be extradited, it shall notify the other State Party. The two States Parties shall mutually decide upon a new date of surrender, and the provisions of paragraph 2 of the present article shall apply.

**Article 47: Postponed or conditional surrender**

1. The requested State Party may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is sought. In such a case the requested State Party shall advise the requesting State Party accordingly.

2. The requested State Party may, instead of postponing surrender, temporarily surrender the person sought to the requesting State Party in accordance with conditions to be determined between the Parties.

**Article 48: Surrender of property**

1. To the extent permitted under the law of the requested State Party and subject to the rights of third parties, which shall be duly respected, all property found in the requested State Party that has been acquired as a result of the offence or that may be required as evidence shall, if the requesting State Party so requests, be surrendered if extradition is granted.

2. The said property may, if the requesting State Party so requests, be surrendered to the requesting State Party even if the extradition agreed to cannot be carried out.

3. When the said property is liable to seizure or confiscation in the requested State Party, it may retain it or temporarily hand it over.

4. Where the law of the requested State Party or the protection of the rights of third parties so require, any property so surrendered shall be returned to the requested State Party free of charge after the completion of the proceedings, if that State Party so requests.

**Article 49: Rule of speciality**

1. A person extradited under the present Convention shall not be prosecuted, sentenced, detained, re-extradited to a third State, or subjected to any other restriction of personal liberty in the territory of the requesting State Party for any offence committed before surrender other than:

(a) An offence for which extradition was granted;

(b) Any other offence in respect of which the requested State Party consents. Consent shall be given if the offence for which it is requested is itself subject to extradition under the present Convention.

2. A request for the consent of the requested State Party under the present article shall be accompanied by the documents mentioned in article 38 of the present Convention and a legal record of any statement made by the extradited person with respect to the offence.

3. Paragraph 1 of the present article shall not apply if the person has had an opportunity to leave the requesting State Party and has not done so within 45 days of final discharge in respect of the offence for which that person was extradited or if the person has voluntarily returned to the territory of the requesting State Party after leaving it.

**Article 50: Transit**

1. Where the extradition requires transit through a third State that is Party to the present Convention, the requesting Party shall request the third State to permit the transit of that person through its territory. This does not apply where air transport is used and no landing in the territory of the other Party is scheduled.

2. Upon receipt of such a request, which shall contain relevant information, the requested State Party shall deal with this request pursuant to procedures provided by its own law. The requested State Party shall grant the request expeditiously unless its essential interests would be prejudiced thereby.

3. The State of transit shall ensure that legal provisions exist that would enable detaining the person in custody during transit.

4. In the event of an unscheduled landing, the Party to be requested to permit transit may, at the request of the escorting officer, hold the person in custody for 72 hours, pending receipt of the transit request to be made in accordance with paragraph 1 of the present article.

5. The States Parties may consider concluding bilateral or multilateral agreements on implementation of the present article.

**Article 51: Concurrent requests**

If extradition is requested concurrently by several States, whether for the same offence or for a different offence, the requested State Party shall, at its discretion, determine to which of those States the person is to be extradited, taking into account all circumstances, including the person's nationality, the possibility of a subsequent extradition between the two requesting States, the respective dates of the requests, and the relative gravity and location of the offences.

**Article 52: Costs of extradition**

1. The requested State Party shall meet the cost of any proceedings in its jurisdiction arising out of a request for extradition and the costs incurred in its territory in connection with the seizure and handing over of property, or the arrest and detention of the person whose extradition is sought.

2. The requesting State Party shall bear the costs incurred in conveying the person from the territory of the requested State Party, including transit costs and other extraordinary costs associated with the extradition.

## Final provisions

**Article 53: Relation to other conventions, treaties and agreements**

The present Convention shall apply without prejudice to other international and/or regional provisions that are more favourable to mutual legal assistance and/or extradition.

**Article 54: Consultation**

The States Parties shall consult promptly, at the request of either, concerning the interpretation, application or implementation of the present Convention, either generally or in relation to a particular case.

**Article 55: Implementation of the Convention**

1. Conference of States Parties to the Convention: A Conference of States Parties to the Convention shall be established to enhance the ability of the States Parties to implement the present Convention.

2. Secretariat: The United Nations Office for Drug Control and Crime Prevention, in cooperation with the International Organization of la Francophonie, shall provide the necessary secretariat services for the Conference of States Parties to the Convention.

3. Signature, ratification, acceptance and approval: The present Convention shall be open for signature by all States until 31 December 2009. It shall be submitted for ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Kingdom of Morocco.

4. Entry into force: The present Convention shall enter in force on the twentieth day following the date of deposit of the tenth instrument of ratification, acceptance or approval.

5. Amendments: After a period of five years from the entry into force of the present Convention, a State Party may propose an amendment and send it to the United Nations Office for Drug Control and Crime Prevention for transmission to the Kingdom of Morocco. The latter, in cooperation with the United Nations Office for Drug Control and Crime Prevention, shall send the proposed amendment to the States Parties and to the Conference of States Parties to the Convention for their review and decision on it. The Conference of States Parties to the Convention shall make every effort to reach a consensus on each amendment. Should such efforts be exhausted without agreement being reached, the amendment shall be adopted by a two-thirds majority of States Parties present and eligible to vote at the Conference of States Parties. On adoption, an amendment shall be submitted for ratification, acceptance or approval by the States Parties. Such amendment shall enter into force for a State Party 20 days after the date of deposit by said State Party with the Kingdom of Morocco. An amendment that has entered into force shall be binding on the States Parties that have agreed to it. Other States Parties shall be bound by the provisions of the present Convention and all previous amendments that they have ratified, accepted or approved.

6. Denunciation: A State Party may denounce the present Convention by means of written notification addressed to the depository of the present Convention. Such a denunciation shall take effect one year after the date of receipt of the notification by the depository of the present Convention.

7. Depository: The Kingdom of Morocco shall be the depository of the present Convention.

8. Registration: In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretary-General of the United Nations in New York at the request of the depository, with technical assistance from the United Nations Office for Drug Control and Crime Prevention.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Convention.

_____ _____

DONE in _____

On _____.

_____

United Nations A/62/940

General Assembly

Distr.: General
22 August 2008

Original: English

**Sixty-second session**
Agenda item 14
**Prevention of armed conflict**

## Letter dated 19 August 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the General Assembly

With reference to my letter to you dated 30 July 2008 (A/62/919) regarding progress made in resolving an issue of mutual interest and concern in Thailand-Cambodia relations through a bilateral process, I have the honour to inform you of further progress made in this bilateral process.

1. Pursuant to the first meeting between the Ministers for Foreign Affairs of Thailand and Cambodia in Siem Reap Province of Cambodia on 28 July 2008, the Ministers for Foreign Affairs of the two countries held a second meeting to discuss issues of mutual interest and concern in the town of Cha-Am in Thailand on 18 and 19 August 2008. Like the first meeting, the Cha-Am meeting was held in a cordial and friendly atmosphere reflecting the warmth of relations between the two neighbouring countries and the spirit of ASEAN solidarity. Building on the progress made at the first meeting in Siem Reap, both sides succeeded in making further progress at the second meeting. The two sides warmly welcomed the reduction of tensions in the border area adjacent to the Temple of Phra Viharn/Preah Vihear following the redeployment of their respective troops from the area that preceded the Cha-Am meeting. Both sides were of the view that this progress reflected the success of the bilateral talks between the two countries.

2. The results of the second Foreign Ministers' meeting in Cha-Am on 18 and 19 August 2008 are as follows:

2.1 Both sides welcomed the first-phase redeployment of their respective troops out of the "Keo Sikha Kiri Svara" Pagoda, the area surrounding the Pagoda, and the Temple of Phra Viharn/Preah Vihear, and agreed to convene a second meeting between the Head of the Cambodian Temporary Coordinating Task Force and the Head of the Thai Regional Border Committee on 29 August 2008 in Cambodia to discuss the second phase of redeployment.

2.2 Both sides agreed to recommend to their respective Governments that the next meeting of the Thailand-Cambodia Joint Commission on Demarcation for Land Boundary be convened early in October 2008 to discuss issues related to the survey

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and demarcation of the relevant sector under the terms of reference and master plan of the Joint Boundary Commission (Khao Sattasom/Phnom Sethisom — BP1), together with Thai and Cambodian legal experts.

2.3 The Foreign Ministers of the two countries will meet again after the meeting of the Joint Boundary Commission and the legal experts.

2.4 Both sides agreed to recommend to their respective Governments to enter into a provisional arrangement, pending completion of the work of the Joint Boundary Commission in the Phra Viharn/Preah Vihear area. For Thailand, such a provisional arrangement may be entered into only in accordance with the Thai constitutional and domestic legal procedures and requirements.

2.5 Both sides agreed to consider the issue of the Ta Muen/Tamone Temples at the next Foreign Ministers' meeting.

3. The outcome of this second Foreign Ministers' Meeting, once again, firmly underlines the common will and determination of both Thailand and Cambodia, neighbours for life and members of the ASEAN family, to move ahead within the framework of the bilateral consultative process with a view to arriving at a mutually satisfactory conclusion for the benefit of the two countries and their peoples.

I have the honour to request that the text of this letter be circulated as a document of the General Assembly, under agenda item 14.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations

United Nations A/62/941–S/2008/573

General Assembly
Security Council

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General Assembly
Sixty-second session
Agenda item 16
**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

Security Council
Sixty-third year

## Identical letters dated 20 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the attached statements of the Ministry of Foreign Affairs of Georgia dated 19 and 20 August 2008 (see annex).

I should be grateful if the present letter and its annex were to be circulated as documents of the sixty-second session of the General Assembly, under the agenda item 16 "Protracted conflicts in the GUAM area and their implications for international peace, security and development", and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

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## Annex to the identical letters dated 20 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

**Enclosure 1**
**Statement of the Ministry of Foreign Affairs of Georgia**

**On the statement by the NATO Foreign Ministerial Session of 19 August 2008**

The Ministry of Foreign Affairs of Georgia welcomes the statement adopted by the NATO Foreign Ministerial Session on the situation in Georgia.

A special reference should be made to the Alliance's unqualified support for Georgia's sovereignty and territorial integrity.

Of paramount importance to Georgia is NATO's firm position on the urgency of unconditional implementation of the ceasefire agreement and immediate withdrawal of Russian troops from the territory of Georgia.

The Ministry of Foreign Affairs of Georgia expresses its gratitude to the member States of the Alliance for their readiness to render humanitarian and economic assistance to Georgia.

The Ministry of Foreign Affairs of Georgia commends the Alliance's decision to set up a NATO-Georgia Commission and expresses readiness to start, after reaching an agreement on respective modalities, active cooperation in this format in near future.

Georgia is determined to continue cooperation with the Alliance within the framework of intensified dialogue on membership issues and expresses hope that its relations with NATO will move to a qualitatively higher level of Membership Action Plan (MAP).

Tbilisi, 20 August 2008

**Enclosure 2**
**Statement of the Ministry of Foreign Affairs of Georgia**

**The representatives of the occupation armies and the separatist's criminal regime are continuing the massacre of the local Georgian population**

Under the conditions of the military-occupation regime established by the Russian Federation in the Tskhinvali region of Georgia and its adjacent zones, the representatives of the occupation armies and the separatist's criminal regime are continuing the massacre of the local Georgian population.

According to our data, at this time the separatist's criminal regime is holding several hundreds of Georgian citizens, including the aged people and women, as hostages.

The Ministry of Foreign Affairs of Georgia calls upon the international community to take all necessary measures in order to gain the unconditional release of the hostages. First of all, we strongly consider giving a possibility to the representatives of the International Red Cross and other humanitarian organizations to visit hostages and take necessary immediate measures for their unconditional release.

Tbilisi, 19 August 2008

**Enclosure 3**
**Statement of the Ministry of Foreign Affairs of Georgia**

**The Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) adopted a decision on increasing the number of military monitoring officers in the OSCE Mission to Georgia by up to 100**

On 19 August 2008 the Permanent Council of the OSCE adopted a decision on increasing the number of military monitoring officers in the OSCE Mission to Georgia by up to 100. The OSCE Member States have decided that 20 military monitoring officers will be deployed immediately in the areas adjacent to South Ossetia. As regards the additional military monitoring officers, the modalities for their deployment are to be proposed by the OSCE Chairmanship, Finland, without delay.

By deployment of additional OSCE military monitoring officers in Georgia, the international mechanism is starting to operate as stipulated by the ceasefire accord signed by the Georgian and Russian sides under the mediation of the President of France. According to paragraph 5 of the accord, "while awaiting an international mechanism, the Russian forces will implement additional security measures" in the conflict zone.

Furthermore, the deployment of the OSCE military monitoring officers in Georgia implies that the Russian Federation, first of all, must withdraw unconditionally and without delay all its military forces from Georgia, and in parallel to this, immediately stop implementing aforementioned "additional security measures" carried out by so-called peacekeepers.

The Ministry of Foreign Affairs of Georgia would like to underline the active input and leading role of the OSCE Chairman-in-Office, without which it would be impossible to reach consensus on such decision. The Georgian side demands that the Russian Federation comply with its obligations in good faith and abstain from impeding further decisions, essential for meeting all obligations under the ceasefire accord.

Tbilisi, 19 August 2008

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## Identical letters dated 21 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the attached statements of the Ministry of Foreign Affairs of Georgia dated 20 and 21 August 2008 (see annex).

I should be grateful if the present letter and its annex could be circulated as documents of the sixty-second session of the General Assembly, under agenda item 16, "Protracted conflicts in the GUAM area and their implications for international peace, security and development", and of the Security Council.

(*Signed*) Irakli **Alasania**
Ambassador
Permanent Representative

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# Annex to the identical letters from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

**Enclosure 1**
**Statement of the Ministry of Foreign Affairs of Georgia**

**On yet another illegal act carried out by the Russian Federation's armed forces**

It has become known that the Russian Federation's armed forces illegally stationed on the territory of Georgia are mounting yet another provocation. In particular, Russian servicemen with the use of appropriate equipment are building a fixed control checkpoint on the Senaki-Poti highway, in the vicinity of the entrance to Poti, on the so-called 7th kilometre.

The above-mentioned fact is evidence of the Russian side's repeated attempts to proceed with and further expand its military intervention in and occupation of the territory of Georgia. It needs to be noted that Poti is located approximately 30 kilometres from the conflict zone of Abkhazia and approximately 160 kilometres from the conflict zone of the Tskhinvali region.

Against the background of the statement of the Russian Federation made at the highest level, the actual facts of withdrawal of Russian troops from the territory of Georgia point quite to the contrary.

We once again call on the international community to employ all resources at its disposal to put an end to Russian aggression.

Tbilisi, 20 August 2008

**Enclosure 2**
**Statement of the Ministry of Foreign Affairs of Georgia**

## The Russian Federation undertook to restrict the freedom of movement of the diplomatic corps throughout the territory of Georgia

On 21 August 2008 the Embassy of the Russian Federation to Georgia sent a note to the Ministry of Foreign Affairs of Georgia. The note, in particular, indicated that: "in order to arrange civilized movement throughout Gori for the delegations and persons intending to arrive or already present in Georgia and planning to travel to Gori, the Embassy requests advance notification on any such travel plan, delegation members, travel objectives and duration, transport vehicles and itinerary. In the given situation the Ministry of Defence of the Russian Federation must obtain such information in order to give respective instructions to the peacekeeping command, which will further ensure unhindered movement".

In the aftermath of ethnic cleansing and mass and flagrant violation of human rights perpetrated by the Russian army on the territory of Georgia, the Russian Federation undertook to restrict the freedom of movement of the diplomatic corps throughout the territory of Georgia. This points clearly to the degree of Moscow's compliance with the ceasefire agreement signed by the Russian President and provides another proof of continued occupation of Georgian territory by the Russian armed forces.

By undertaking such actions, the Russian Federation grossly violates provisions of the 1961 Vienna Convention on Diplomatic Relations. Article 26 of the Convention, in particular, stipulates that the receiving State shall ensure to all members of the diplomatic corps freedom of movement and travel throughout all of its territory.

Russia's actions in Georgia contradict such universally recognized norms and principles of international common and codified law, which provide the basis and guarantee for establishing each State as a subject of international law within the international system.

It is a regrettable fact that the Russian Federation, as a legal successor to the Soviet Union, continues to base its actions on Soviet-imperialist traditions.

Tbilisi, 21 August 2008